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Thomas J. Burger, Registration No. 32,662 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles E. Dinkler
Serial No.: 10/774,769
Confirmation No. 8827
Filed: February 9, 2004
For: Radiolucent Skull Clamp With Removable Pin Load Applicator
Art Unit: 3731
Examiner: Darwin P. Erez
Atty. Docket No.: ILSC-23

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 9, 2008

Sir:

This paper responds to an Office Action dated April 10, 2008, within the one month period for response.

First of all, Applicant notes that it previously elected claims 1-17, via a response dated July 18, 2007, in response to an earlier Restriction Requirement. In that prior response, Applicant withdrew claims 18-24 and added claims 25-30.

Thus, claims 1-17 and 25-30 are presently pending in this application. Of these presently pending claims, claims 1, 25, and 27 are independent, and each of these independent claims is directed to generally the same type of invention, namely “an apparatus for use with a radiolucent skull clamp supporting a head of a patient.”

The Office Action asserts that the present application includes three distinct inventive species, identified as Species I, Species II, and Species III, and related to Figs 1, 7, and 9, respectively. Applicant disagrees with this characterization.

More particularly, Fig 7 shows a piston 50a that coacts with a removable pin load applicator 126. Fig 1 shows the same piston 50a. The Office Action states that Species I is directed toward “a pin load applicator 50a as shown in Fig 1.” This is incorrect because reference numeral 50a refers to the piston 50a. Fig 1 does not show the pin load applicator 126. Fig 1 shows two other pistons 50b and 50c. Each of these pistons 50a, 50b, 50c is adapted to receive the same pin load applicator 126. And that pin load applicator 126 is shown in Fig 7. Thus, Figs 1 and 7 do not show different pin load applicators. Rather, they show the piston 50a which is adapted to receive the removable pin load applicator 126, an element which is recited in each of independent claims 1, 25, and 27.

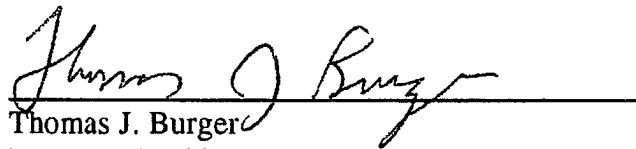
For these reasons, Applicant elects, without traverse, the species referred to as Species II in the Office Action, and which the Office Action characterizes as “a pin load applicator of Fig 7.” However, Applicant respectfully asserts that claims 1-17 and 25-30 are all within this elected species. Moreover, Applicant respectfully asserts that this elected species is shown not only in Fig 7, but also in Figs 1, 2, and 3.

Still further, Applicant respectfully asserts that, contrary to the statement in the Office Action, Fig 9 is not directed to a pin load applicator with a locking pin. Rather, Fig 9 should be viewed within the context of Fig 8, which shows that a hinge locking screw 222 and a shaft 224 form part of a structure used to hold clamp support bracket 162, to which the skull clamp body 22 is mounted. As shown in Fig 1, skull clamp body 22 is the structure which supports the pin assemblies that hold pistons 50a, 50b, and 50c. Thus, although Fig 9 may be correctly considered another inventive Species, it is not a pin load applicator with a locking pin.

In summary, Applicant respectfully asserts that each of pending claims 1-17 and 25-30 is directed to the same species of invention, namely "an apparatus for use with a radiolucent skull clamp supporting the head of a patient," and that these claims are best characterized in the Office Action as Species II.

If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Thomas J. Burger", is written over a solid horizontal line.

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